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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,926	11/06/2003	Xiaomeng Chen	BUR920030123US2	2925
29625	7590	03/08/2005	EXAMINER	
MCGUIRE WOODS LLP 1750 TYSONS BLVD. SUITE 1800 MCLEAN, VA 22102-4215			NGUYEN, THANH T	
			ART UNIT	PAPER NUMBER
			2813	

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/605,926	Applicant(s) CHEN ET AL.	
	Examiner Thanh T. Nguyen	Art Unit 2813	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 5-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/6/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of group I, claims 1-30 in the reply filed on 9/10/04 and specie I, claims 1-4 filed on 12/20/04 is acknowledged.

Information Disclosure Statement

The information disclosure statement filed 11/6/03 has been considered.

Oath/Declaration

Oath/Declaration filed on 11/6/03 has been considered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2813

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Daniels et al. (U.S. Patent No. 6,583,047).

Regarding to claim 1, Referring to figures 4a-4h, Daniels et al. teaches a method for reducing resist poisoning, comprising the steps of;

forming a first structure (opening portion, see figure 4b-4c) in a dielectric (low-k) on a substrate;

reducing amine related contaminants from the dielectric and the substrate created after the formation of the first structure (see figure 4d, col. 16, lines 33-40, 52-58, Daniels et al. teaches reducing amine related contamination from the dielectric by using plasma N₂O); and forming a second structure in the dielectric (see figure 4f).

Regarding to claim 2, wherein the reducing step includes providing an N₂O plasma wafer treatment to the dielectric and substrate (col. 16, lines 52-58).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels et al. (U.S. Patent No. 6,583,047) as applied to claims 1-2 above in view of an ordinary skill in the art.

Daniels et al. teaches a method of providing an N₂O plasma wafer treatment to the

dielectric and substrate to reduce amine related contaminants. However, the reference does not teaches the N₂O plasma treatment chemically binds, traps or consume the contaminant such that the contaminants will not diffuse out from either the substrate or the dielectric during the formation of the second structure, and the specific temperature of wafer treatment.

Regarding to claim 4, wherein the N₂O plasma treatment chemically binds, traps or consumes the contaminants such that the contaminants will not diffuse out from either the substrate or the dielectric during the formation of the second structure (see col. 16, lines 52-58).

Therefore, it would have been obvious to a person of ordinary skill in the requisite art at the time of the invention was made would treat the dielectric layer by using the N₂O plasma treatment chemically binds, traps or consumes the contaminants such that the contaminants will not diffuse out from either the substrate or the dielectric during the formation of the second structure in process of Daniel et al. because N₂O plasma treatment will oxidize and to form the protect layer to protect the wall/floor or the vias/trench or the dielectric layer.

Regarding to claim 3, it would have been obvious to a person of ordinary skill in the requisite art at the time of the invention was made to optimize the temperature treatment, since it has been held that where the general conditions of a claim are disclosed in the prior art (i.e.- plasma treatment performed at approximately 400 degrees Celsius), discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233 (CCPA 1955).

The specification contains no disclosure of either the critical nature of the claimed arrangement (i.e.- wherein the plasma treatment performed at approximately 400 degrees Celsius) or any unexpected results arising therefrom. Where patentability is said to be based upon particular chosen limitations or upon another variable recited in a claim, the applicant must

Art Unit: 2813

show that the chosen limitations are critical. In re Woodruff, 919 F.2d 1575, 1578 (FED. Cir. 1990).

Therefore, it would have been obvious to a person of ordinary skill in the requisite art at the time of the invention was made would plasma treat at any temperature in process of Daniels et al. because choosing the optimum ranges involves only routine skill in the art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh Nguyen whose telephone number is (571) 272-1695, or by Email via address Thanh.Nguyen@uspto.gov. The examiner can normally be reached on Monday-Thursday from 6:00AM to 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Whitehead, Jr., can be reached on (571) 272-1702. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956 (See **MPEP 203.08**).

A handwritten signature in black ink, appearing to read 'Thanh', with a stylized flourish extending from the end.

Thanh Nguyen
Patent Examiner
Patent Examining Group 2800

TTN